



General Assembly

February Session, 2000

Amendment

LCO No. 4882

Offered by:

REP. MUSHINSKY, 85th Dist.
REP. DANDROW, 30th Dist.
REP. TERCYAK, 26th Dist.
REP. AMANN, 118th Dist.
REP. BEALS, 88th Dist.
REP. CARUSO, 126th Dist.
REP. CHRIST, 11th Dist.
REP. KERENSKY, 14th Dist.
REP. LAWLOR, 99th Dist.
REP. MANTILLA, 4th Dist.
REP. MCCLUSKEY, 20th Dist.
REP. O'ROURKE, 32nd Dist.
REP. STONE, 9th Dist.
REP. THOMPSON, 13th Dist.
REP. TRUGLIA, 145th Dist.
REP. VILLANO, 91st Dist.
REP. BERNHARD, 136th Dist.
REP. BOUCHER, 143rd Dist.

REP. BOUGHTON, 138th Dist.
REP. D'AMELIO, 71st Dist.
REP. DELGOBBO, 70th Dist.
REP. FREY, 111th Dist.
REP. GOOGINS, 31st Dist.
REP. HAMZY, 78th Dist.
REP. HEAGNEY, 16th Dist.
REP. KLARIDES, 114th Dist.
REP. MILLER, 122nd Dist.
REP. NYSTROM, 46th Dist.
REP. POWERS, 151st Dist.
REP. PRELLI, 63rd Dist.
REP. ROWE, 123rd Dist.
REP. SHEA, 112th Dist.
REP. SIMMONS, 43rd Dist.
REP. STRIPP, 135th Dist.
REP. TYMNIAK, 133rd Dist.
REP. WINKLER, 41st Dist.

To: Subst. House Bill No. 5624

File No. 373

Cal. No. 306

***"An Act Concerning The Administration Of Child Care
Programs Under The Department Of Social Services."***

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- 1 After line 135, insert the following and renumber the remaining
2 section accordingly:

3 "Sec. 4. (NEW) (a) Any hospital or other licensed health care provider
4 may refer to the Commissioner of Children and Families any newborn
5 if such newborn has special medical needs resulting from narcotic
6 withdrawal or fetal alcohol syndrome diagnosed by a licensed
7 physician and the hospital or other licensed health care provider has a
8 reasonable belief that the newborn will be denied proper medical care
9 and attention.

10 (b) The commissioner shall complete an investigation of the referral
11 prior to the discharge of such newborn or not more than seven
12 calendar days of referral, which ever is less. In substantiating that a
13 newborn is at high risk of neglect, the investigation shall include an
14 assessment of the following: (1) The extent of the mother's prenatal
15 care during the pregnancy of the newborn; (2) the failure of the parent
16 to participate in services offered in the hospital to meet the special
17 needs of the newborn; (3) the physical and mental ability of the parent
18 to provide care to the newborn, including the provisions of
19 appropriate care in the home; (4) the willingness of the parent to
20 participate in appropriate services for such parent and the newborn;
21 (5) support services within the family or community that are available
22 to the parents of the newborn and the willingness of the parents to
23 access such services; and (6) the safety and adequacy of the home.
24 Substantiation shall be made by interview, contact with others,
25 observation of parent and child and review of documents and shall be
26 performed in collaboration with the physician of the newborn, other
27 licensed health care providers providing direct care to the newborn,
28 social workers and appropriate community organizations. For the
29 purposes of this section, the treatment of any newborn by an
30 accredited Christian Science practitioner in lieu of treatment by a
31 licensed practitioner of the healing arts shall not constitute a high risk
32 of neglect.

33 (c) Not less than three days after a newborn determined to be at
34 high risk of neglect is released from the hospital, the commissioner
35 shall provide or arrange for intensive supervision of the newborn
36 which shall include, but not be limited to, visits to the newborn and

37 family of such newborn, twice a week for at least four weeks. In
38 providing for or arranging such supervision, the commissioner shall
39 take into consideration the discharge plan developed by the hospital
40 for the newborn in accordance with regulations adopted pursuant to
41 section 19a-504c of the general statutes. The commissioner shall assign
42 a caseworker to the family. The commissioner shall establish uniform
43 guidelines for contact with the family which shall include, but not be
44 limited to, the following: (1) The purpose and method of the contact;
45 (2) the mechanism for collaborating or contracting with agencies
46 providing home-based services; and (3) provisions to close the case or
47 to continue contact for more than four weeks. Such guidelines shall not
48 be deemed to be regulations, as defined in subdivision (13) of section
49 4-166 of the general statutes.

50 Sec. 5. Section 46b-120 of the general statutes is repealed and the
51 following is substituted in lieu thereof:

52 The terms used in this chapter shall, in its interpretation and in the
53 interpretation of other statutes, be defined as follows: (1) "Child"
54 means any person under sixteen years of age and, for purposes of
55 delinquency matters, "child" means any person (A) under sixteen years
56 of age or, (B) sixteen years of age or older who, prior to attaining
57 sixteen years of age, has violated any federal or state law or municipal
58 or local ordinance, other than an ordinance regulating behavior of a
59 child in a family with service needs, and, subsequent to attaining
60 sixteen years of age, violates any order of the Superior Court or any
61 condition of probation ordered by the Superior Court with respect to
62 such delinquency proceeding; (2) "youth" means any person sixteen to
63 eighteen years of age; (3) "abused" means that a child or youth (A) has
64 had physical injury or injuries inflicted upon [him] such child or youth
65 other than by accidental means, or (B) has injuries which are at
66 variance with the history given of them, or (C) is in a condition which
67 is the result of maltreatment such as, but not limited to, malnutrition,
68 sexual molestation or exploitation, deprivation of necessities,
69 emotional maltreatment or cruel punishment; (4) a child may be found
70 "mentally deficient" who, by reason of a deficiency of intelligence,

71 which has existed from birth or from early age, requires, or will
72 require, for [his] the child's protection or for the protection of others,
73 special care, supervision and control; (5) a child may be convicted as
74 "delinquent" who has violated (A) any federal or state law or
75 municipal or local ordinance, other than an ordinance regulating
76 behavior of a child in a family with service needs, (B) any order of the
77 Superior Court or (C) conditions of probation as ordered by the court;
78 (6) a child or youth may be found "dependent" whose home is a
79 suitable one for [him, save] the child or youth, except for the financial
80 inability of [his] such child's or youth's parents, parent [,] or guardian
81 or other person maintaining such home [,] to provide the specialized
82 care [his] such child's or youth's condition requires; (7) a "family with
83 service needs" means a family which includes a child who (A) has
84 without just cause run away from [his] the parental home or other
85 properly authorized and lawful place of abode; (B) is beyond the
86 control of [his] such child's parent, parents, guardian or other
87 custodian; (C) has engaged in indecent or immoral conduct; (D) is a
88 truant or habitual truant or who, while in school, has been
89 continuously and overtly defiant of school rules and regulations; or (E)
90 is thirteen years of age or older and has engaged in sexual intercourse
91 with another person and such other person is thirteen years of age or
92 older and not more than two years older or younger than such child;
93 (8) a child or youth may be found "neglected" who (A) has been
94 abandoned or (B) is being denied proper care and attention, physically,
95 educationally, emotionally or morally or (C) is being permitted to live
96 under conditions, circumstances or associations injurious to [his] the
97 well-being of the child or youth or (D) has been abused or (E) is an
98 infant (i) who the Department of Children and Families has
99 substantiated to be a newborn at high risk of neglect under section 1 of
100 this act, (ii) whose parents are not following the discharge plan of the
101 hospital or participating in the program of supervision arranged by
102 said department, and (iii) for whom the failure to follow the plan or
103 participate in the program places such infant in danger; (9) a child or
104 youth may be found "uncared for" who is homeless or whose home
105 cannot provide the specialized care which [his] the child's or youth's

106 physical, emotional or mental condition requires. For the purposes of
107 this section the treatment of any child by an accredited Christian
108 Science practitioner in lieu of treatment by a licensed practitioner of
109 the healing arts, shall not of itself constitute neglect or maltreatment;
110 (10) "delinquent act" means the violation of any federal or state law or
111 municipal or local ordinance, other than an ordinance regulating the
112 behavior of a child in a family with service needs, or the violation of
113 any order of the Superior Court; (11) "serious juvenile offense" means
114 (A) the violation by a child, including attempt or conspiracy to violate
115 sections 21a-277, 21a-278, 29-33, as amended, 29-34, 29-35, as amended,
116 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to
117 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, as amended, 53a-70 to
118 53a-71, inclusive, as amended, 53a-72b, as amended, 53a-86, 53a-92 to
119 53a-94a, inclusive, 53a-95, 53a-101, 53a-102a, 53a-103a, 53a-111 to 53a-
120 113, inclusive, subdivision (1) of subsection (a) of section 53a-122,
121 subdivision (3) of subsection (a) of section 53a-123, 53a-134, 53a-135,
122 53a-136a, 53a-166, 53a-167c, subsection (a) of section 53a-174, 53a-196a,
123 53a-211, 53a-212, 53a-216 or 53a-217b, or (B) running away, without
124 just cause, from any secure placement other than home while referred
125 as a delinquent child to the Office of Alternative Sanctions or
126 committed as a delinquent child to the Commissioner of Children and
127 Families for a serious juvenile offense; (12) "serious juvenile offender"
128 means any child convicted as delinquent for commission of a serious
129 juvenile offense; (13) "serious juvenile repeat offender" means any
130 child charged with the commission of any felony if such child has
131 previously been convicted delinquent at any age for two violations of
132 any provision of title 21a, 29, 53 or 53a which is designated as a felony;
133 (14) "alcohol-dependent child" means any child who has a
134 psychoactive substance dependence on alcohol as that condition is
135 defined in the most recent edition of the American Psychiatric
136 Association's "Diagnostic and Statistical Manual of Mental Disorders";
137 (15) "drug-dependent child" means any child who has a psychoactive
138 substance dependence on drugs as that condition is defined in the
139 most recent edition of the American Psychiatric Association's
140 "Diagnostic and Statistical Manual of Mental Disorders". No child shall

141 be classified as drug dependent who is dependent (A) upon a
142 morphine-type substance as an incident to current medical treatment
143 of a demonstrable physical disorder other than drug dependence, or
144 (B) upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic
145 or other stimulant and depressant substances as an incident to current
146 medical treatment of a demonstrable physical or psychological
147 disorder, or both, other than drug dependence."